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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|-------------------------|------------------|
| 09/836,751 | 04/17/2001 | Eric A. Reiners | 00-143 | 7391 |
| 7590 | 04/20/2004 | | EXAMINER | |
| Taylor & Aust, P.C. ATTN: Todd T. Taylor 142 South Main Street P.O. Box 560 Avilla, IN 46710 | | | LOPEZ, FRANK D | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3745 | |
| | | | DATE MAILED: 04/20/2004 | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|------------------------------|------------------------|---------------------|--|
| | 09/836,751 | REINERS ET AL. | |
| | Examiner | Art Unit | |
| | F. Daniel Lopez | 3745 | |

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 06 February 2004.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1,2,4-7 and 21-31 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 21,22,29 and 31 is/are allowed.

6) Claim(s) 1,5-7,23-26 and 30 is/are rejected.

7) Claim(s) 2,4,27 and 28 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____.

Response to Amendment

Applicant's arguments filed February 6, 2004, have been fully considered but they are not deemed to be persuasive.

Applicant's arguments with respect to claims 1, 5-7, 23-25 and 30 have been considered but are deemed to be moot in view of the new grounds of rejection.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

Claims 23-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 23 line 6 "the directed" should be deleted, since the directed fluid is going to the first load (line 4-5), and none of the fluid going to the first load is allowed to go to the second load.

Claims 24-28 are indefinite, since they depend from claim 23.

Claim Rejections - 35 USC § 103

Claims 1, 5-7, 23-26 and 30 are rejected under 35 U.S.C. § 103 as being unpatentable over Krone et al. Krone et al discloses a hydraulic system and method of using, comprising first (e.g. 40) and second (part of 18, see e.g. column 2 line 63-64) controllable infinitely variable valves connected to a hydraulic pump (122), by a common inlet (via 30), and to first (34) and second hydraulic loads, respectively; third (e.g. 44) and fourth infinitely variable valves connecting the first and second hydraulic loads, respectively, to tank; with the fourth valve modifying flow between the second valve and second load (for claim 26); and with first (e.g. 52) and second pressure sensors coupled with the outlet of the first and second valves, respectively; but does not disclose that the independent metering valves are an assembly.

Official notice is taken that it is well known to combine a plurality of valves into a valve block assembly, for the purpose of ease of assembly of the system. It would have been obvious at the time the invention was made to one having ordinary skill in the art to combine the plurality of valves of Krone et al into a valve block assembly, for the purpose of ease of assembly of the system.

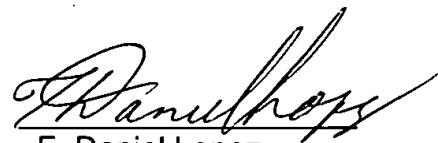
Conclusion

Claims 2, 4, 27 and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 21, 22, 29 and 31 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Lopez whose telephone number is (703) 308-0008. The examiner can normally be reached on Monday-Thursday from 6:30 AM -4:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Look, can be reached on (703) 308-1044. The fax number for this group is (703) 872-9302. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0861.



F. Daniel Lopez
Primary Examiner
Art Unit 3745
April 15, 2004